

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE GUARDIAN NEWS,

Plaintiff,

-against-

VILLAGE OF ELMSFORD,

Defendant.

Docket No.
07 Civ. 5716 (CLB)

**STIPULATION
AND ORDER
OF SETTLEMENT**

*DISCONTINUANCE
with Prejudice*

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties in this matter, that

WHEREAS, plaintiff commenced this action challenging the constitutionality of §§ 291-1 through 291-6 of the Village Code of the Village of Elmsford, and

WHEREAS, the parties desire to resolve this action without further accrual of costs or expenses; and

WHEREAS, in agreeing to this Stipulation and Order of Settlement, defendant does not admit either that plaintiff's complaint has any merit or that plaintiff would be entitled to any damages in the absence of a settlement;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the respective parties in this action, that:

1. The Village of Elmsford has no legislation and/or rules and/or regulations that specifically relate to the placement of newsracks and/or the dissemination of newspapers on municipally owned property.
2. Plaintiff hereby agrees to discontinue this action, with prejudice, and without costs, fees, and expenses of any kind, including attorneys fees.

3. Nothing herein shall be deemed to prevent the Village of Elmsford in the future from enacting any legislation and/or rule and/or regulation relating to the placement of newsracks and/or the dissemination of newspapers on municipally owned property, recognizing that plaintiff shall retain the right to judicially challenge any such legislation and/or rule and/or regulation.

IT IS FURTHER AGREED that a facsimile copy of this Stipulation shall have the same force and effect as an original.

--Dated: Mineola, New York

~~November 30, 2007~~

January 3, 2008

LOVETT & GOULD, LLP
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SO ORDERED: *January 7, 2008*

Charan Briceant

U.S.D.J.